

ELECTION COMMISSION OF PAKISTAN

PRESS STATEMENT

Islamabad, the 22nd July, 2018

The Hon'ble Members of the Senate in 280th Session of the Senate dated 21st July, 2018 during the discussion passed various statements with regard to different aspects of the conduct of General Elections 2018. In this connection, it is clarified that the Election Commission is committed to fulfil its constitutional obligation for holding the honest, just and fair elections in the country.

2. However it needs to be pointed out that the statements made by some Hon'ble Members of the Senate with regard to the conduct of election are based on disinformation and the same are required to be clarified. Various statements / queries made during the said discussion are clarified in following terms:

- a. Article 218(3) of the Constitution states that it shall be the duty of the Election Commission to organize and conduct the election and to make such arrangements as are necessary to ensure that the election is conducted honestly, justly, fairly and in accordance with law, and that corrupt practices are guarded against. The Supreme Court vide its Judgment dated 8th June, 2012 passed in Constitution Petition No.87 of 2011 (famously known as the Workers' Party Case) declared that:

"Election Commission is empowered to check not just illegal actions relating to the election (violating the limits set for campaign finance, etc.) or corrupt practices (bribery, etc.), but is also empowered to review all election activities, including Jalsas, Jaloos, use of loudspeakers, etc. for their effects on the standards of 'fairness, justness and honesty' that elections are expected to meet. The Election Commission is also empowered to take preemptive measures to ensure that the spirit of democracy and 'fairness, justness and honesty' of elections is fully observed."

- b. In exercise of its powers referred to above and in order to guard against the occurrence of corrupt practices during the poll at the polling station, Election Commission has deployed Army Personnel (inside and outside a polling station) with a view to provide an enabling peaceful environment for the conduct of free and fair election, however, the army troops will perform their duties in accordance with **section 193 of the Elections Act 2017** and within the confines of mandate assigned to them by the Commission in the shape of Code of Conduct for Security Officials issued vide its Notification No.F.2(2)/2018-Cord dated 6th July, 2018 which was published in Official Gazette on 7th July, 2018.
- c. Similarly, the Election Commission vide its Notification No.F.3(2)/2018-Elec-I dated 10th July, 2018 read with Corrigendum of same number dated 18th July, 2018 has authorized the each Designated Officer Incharge of Pakistan Armed Forces /

Civil Armed Forces (Gazetted as well as Junior Commissioned Officers) to exercise powers of Magistrate First Class during their deployment on the polling day. However, these powers are subject to the condition mentioned at serial No.A(xi) of the aforesaid Code of Conduct which states that Pakistan Armed Forces / Civil Armed Forces personnel (deployed inside and outside a polling station) while performing their duties are supposed to first report to the Presiding Officer any irregularity/ malpractice, they observe inside or outside of polling station and act according to the instructions issued by him in that regard. In case, the Presiding Officer does not act to prevent the commission of any reported irregularity/malpractice, the security staff will immediately bring the matter to the notice of the designated officer-in-charge of Pakistan Armed Forces / Civil Armed Forces, who shall take action in light of the powers delegated to him and also immediately inform the Returning Officer concerned.

- d. The aforesaid both Notifications are placed on ECP website for information of all stakeholders, hence the impression given about lack of transparency is quite deplorable and unfortunate.
- e. The Hon'ble Commission has expressed its serious reservations about the statements made and the impression created in the House about an independent Constitutional entity which is working with complete freedom, unbiasedness and impartiality.
- f. It is brought to the notice that allegations of inactivity by the ECP are baseless. Whether it is Mr. Bilawal Bhutto Zardari's convoy in Punjab or taking up the issue with the NAB, the ECP played an effective role. The Government of the Punjab was appropriately warned against disruption in the electioneering.
- g. The Election Commission of Pakistan is a body created by the Constitution of Islamic Republic of Pakistan. Respect of such institutions is a step towards respect of the Constitution. It is also clarified that Governments in Pakistan being run by the caretaker setups. Other institutions in the country like NAB and PEMRA are subservient to their own legal responsibilities. Interference in the domain of such authorities is tenable neither legally nor morally. It is also emphasized that any attempt to interfere in the mandate of Election Commission through allegations at esteemed constitutional fora will not serve the democratic principal which is cherished by all.
- h. It is very important to note that it is for the very first time that security personnel will be performing duties under a notified Code of Conduct after taking oath.


ALTAF AHMED
(Spokesman)
ECP